

## ARTICLE 30-05

### BOAT SAFETY

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#### CHAPTER 30-05-01 BOAT SAFETY RULES

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**30-05-01-01. Display of numbers.** The number appearing on the certificate of number must be painted or permanently attached to each side of the forward half of the vessel, in plain vertical block letters at least three inches [7.6 centimeters] in height, excluding any border, trim, outlining, or shading, in contrasting color to the hull, and must be maintained in a legible condition so that the numbers and letters are clearly visible in daylight hours. Demonstrator numbers may be temporarily attached, but must be securely fastened in such a manner as to be clearly legible. The number shall read from left to right, and groups of numbers and letters must be separated by a space or a hyphen equivalent in width to the letter M. A validation sticker issued by the department must be displayed on the boat, within six inches [15.25 centimeters] to the rear of the number. Any person who violates this section is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

**History:** Amended effective April 1, 1986.

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-03

**30-05-01-02. Boat safety equipment.** The following equipment is required as indicated, and must be usable and in serviceable condition.

1. **Personal flotation devices - Penalty.**

- a. All motorboats less than sixteen feet [4.8 meters] in length and all nonpowered boats must have one United States coast guard approved type I, II, or III device aboard for each person. All motorboats sixteen feet [4.8 meters] or greater in length must

have one United States coast guard approved type I, II, or III device aboard for each person, and, in addition, one United States coast guard approved throwable type IV device. Any person who violates this subdivision is guilty of a noncriminal offense and shall pay a twenty-five dollar fee for each United States coast guard approved type I, II, or III device not aboard as required for each person with a maximum fee of two hundred fifty dollars for a shortage of ten or more.

- b. All persons manipulating any water skis, surfboard, or similar device must wear a United States coast guard approved type I, II, or III device. The only exception is that of a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under North Dakota Century Code section 20.1-13-11.

- 2. **Fire extinguishers.** Motorboats of less than twenty-six feet [7.8 meters] in length need no fire extinguishing equipment, unless the boat has a double bottom not sealed to the hull or not completely filled with flotation material; or unless it has closed stowage compartments in which combustible or flammable materials are stored; or unless it has closed compartments under thwarts and seats wherein portable fuel tanks may be stored; or unless it has closed living spaces; or unless it has permanently installed fuel tanks. If in any of these categories, it must have either a fixed fire extinguishing system in the machinery spaces, or at least one United States coast guard approved B-I type portable extinguisher. Motorboats twenty-six [7.8 meters] to forty feet [12 meters] in length must have either two United States coast guard approved B-I type portable extinguishers or one United States coast guard approved B-II type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces and one United States coast guard approved B-I type portable extinguisher. Motorboats forty feet [12 meters] or over in length must have either three United States coast guard B-I type portable extinguishers, or one United States coast guard approved B-II type portable extinguisher and one B-I type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces along with one United States coast guard approved B-II type or two B-I type portable extinguishers, or a fixed fire extinguishing system in the machinery spaces along with one United States coast guard approved B-II type or two B-I type portable extinguishers.
- 3. **Backfire flame arrester.** One United States coast guard approved device is required on each carburetor of all gasoline powered engines, except outboard motors.
- 4. **Bells and whistles.** Boats sixteen feet [4.8 meters] to less than twenty-six feet [7.8 meters] in length require one hand, mouth, or power operated whistle audible at least one-half mile [.8 kilometer].

Boats twenty-six feet [7.8 meters] to less than forty feet [12 meters] in length require a hand or power operated whistle audible at least one mile [1.6 kilometers], and a bell which produces a clear, bell-like tone when struck. Boats over forty feet [12 meters] in length require a power operated whistle audible at least one mile [1.6 kilometers] and a bell which produces a clear, bell-like tone when struck.

5. **Ventilation.** All motorboats with enclosed engine or fuel compartments, and using gasoline as a fuel, must have at least two ventilator ducts, fitted with cowls, or the equivalent, leading to each such compartment, to properly and efficiently ventilate the compartment.
6. **Lighting.** When operating between sunset and sunrise, all motorboats under twenty-six feet [6.8 meters] in length shall exhibit a twenty-point [225 degree] combination red and green bowlight visible for one mile [1.6 kilometers], ten points [112.5 degrees] to the left of the centerline of the boat being red, the ten points [112.5 degrees] to the right of the centerline being green, and a thirty-two-point [360 degree] white stern light, visible for two miles [3.2 kilometers], placed higher than the bowlight and unobstructed by occupants or portions of the vessel.

When operating between sunset and sunrise, all motorboats twenty-six feet [6.8 meters] in length or over shall exhibit a twenty-point [225 degree] white bowlight visible for two miles [3.2 kilometers], a ten-point [112.5 degree] red side light, visible for one mile [1.6 kilometers], on the left side of the vessel, a ten-point [112.5 degree] green side light, visible for one mile [1.6 kilometers] on the right side (the side lights shall be visible through an arc beginning parallel to the centerline of the vessel and extending ten points [112.5 degrees] toward the stern), and a thirty-two-point [360 degree] white stern light visible for two miles [3.6 kilometers], placed higher than the bowlight and unobstructed by occupants or portions of the vessel.

All nonpowered boats operating between sunset and sunrise shall have readily accessible a white light source which shall be temporarily exhibited in sufficient time to prevent a collision.

All vessels at anchor between sunset and sunrise must display a white light visible to a boat approaching from any direction.

7. Except as provided in subdivision a of subsection 1, any person who violates this section is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

**History:** Amended effective December 1, 1982; April 1, 1986; May 1, 1995; April 1, 2006.

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-05

**30-05-01-03. Hazardous conditions.** North Dakota law provides that any enforcement officer who observes a vessel being used in an unsafe condition, and in the officer's judgment such use creates an especially hazardous condition, may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended. For purposes of this section, an unsafe condition is defined as any one of the following:

1. Operating without boat safety equipment required by section 30-05-01-02. Any person who violates this subsection is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.
2. Operating in an overloaded condition.
3. Fuel leakage or presence of fuel in the bilges.
4. Riding on the bow, gunwales, transom, or on the backs of seats without taking precautions sufficient to prevent falls overboard.
5. Operating a boat in a state of gross disrepair, rendering it in unseaworthy condition.
6. Operating in weather or water conditions which endanger the boat and its occupants.

Any person who violates a subsection of this section for which a penalty is not specifically provided is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

**History:** Amended effective April 1, 1986.

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-18

**30-05-01-04. Actions which constitute negligent or reckless operation.** North Dakota law prohibits operation of any motorboat or vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. For purposes of this provision, reckless or negligent operation shall include, but not be limited to, the following:

1. Use of excessive speed during periods of reduced visibility, while in close proximity of other vessels, while in narrow, winding channels, or near docks or marinas.
2. Operating in an overloaded condition.
3. Operating within swimming areas designated by markers or by the presence of swimmers.

4. Operating near dams and other hazardous waters.
5. Operating in such a manner as to cause a dangerous or damaging wake.
6. Towing water skiers near other vessels or obstructions, into other hazardous areas, or into swimming areas designated by markers or by the presence of swimmers.
7. Operation in such a manner as to molest or annoy persons lawfully engaged in fishing.
8. Continued use or refusal to terminate use of a boat after being ordered to correct an especially hazardous condition by a law enforcement officer.

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-07

**30-05-01-05. Accident reports.** If a collision, accident, or other casualty involving a vessel results in death or injury to a person or damage to property in excess of two thousand dollars, or a person disappears from such vessel under circumstances that indicate death or injury, the operator thereof shall complete and submit a complete boating accident report, CG-3865 form, or revision thereof, in duplicate to the game and fish department, within forty-eight hours in cases involving death or injury, within five days in all other cases. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee. The CG-3865 form may be obtained from a game warden or by contacting the department at the location provided in subsection 3 of section 30-01-01-01.

**History:** Amended effective December 1, 1982; April 1, 1986; January 1, 1992; April 1, 2006.

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-08

**30-05-01-06. Practice permits for regattas, races, marine parades, tournaments, or exhibitions.** Organizations desiring to practice in preparation for regattas, races, marine parades, tournaments, or exhibitions, as prescribed in North Dakota Century Code section 20.1-13-11, may do so only with written authorization from the director of the game and fish department or the director's designated representatives. An organization representative must file a completed permit application on a form provided by the department. The director or the director's designated representative may issue the permit and designate the date, time, and location for the practice. The names of the individuals to practice must be listed on the permit.

**History:** Effective December 1, 1984; amended effective April 1, 2006.

**General Authority:** NDCC 20.1-13-12(3)

**Law Implemented:** NDCC 20.1-13-10(5), 20.1-13-11

**30-05-01-07. Placement of regulatory signs, markers, buoys, and other warning or marking devices.** Upon written approval of the director of the game and fish department, regulatory signs, markers, buoys, or other warning or marking devices may be placed near or in the waters of this state as may be necessary for safety or recreation. Any person violating the restrictions on a sign, marker, buoy, or other warning or marking device is guilty of a noncriminal offense and shall pay a thirty-five dollar fee.

**History:** Effective November 1, 1995.

**General Authority:** NDCC 20.1-13-12, 20.1-13-14

**Law Implemented:** NDCC 20.1-13-12, 20.1-13-14